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17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA
19 SAN FRANCISCO DIVISION

20 WAYMO LLC,
21 Plaintiff,
22 v.
23 UBER TECHNOLOGIES, INC.,
24 OTTOMOTTO LLC; OTTO TRUCKING LLC,
25 Defendants.

Case No. 3:17-cv-00939-WHA

**SUPPLEMENTAL DECLARATION
OF ESTHER KIM CHANG IN
SUPPORT OF DEFENDANTS'
SUR-REPLY TO PLAINTIFF
WAYMO LLC'S MOTION FOR
PRELIMINARY INJUNCTION**

Date: May 3, 2017
Time: 7:30 a.m.
Ctrm: 8, 19th Floor
Judge: The Honorable William Alsup

Trial Date: October 2, 2017

28 **REDACTED VERSION OF DOCUMENT SUBMITTED UNDER SEAL**

1 I, Esther Kim Chang, declare as follows:

2 1. I am an attorney with the law firm of Morrison & Foerster LLP. I am a member in
3 good standing of the Bar of the State of California. I make this declaration based on personal
4 knowledge and, if called as a witness, I could and would testify competently to the matters set
5 forth herein. I make this declaration in support of Defendant's Sur-Reply to Plaintiff's Motion
6 for Preliminary Injunction.

7 2. On April 16, 2017, my colleague Arturo Gonzalez offered Waymo LLC the
8 opportunity to inspect the components of Spider on April 18 or April 19. Attached hereto as
9 Exhibit 9 is a true and correct copy of the email from Mr. Gonzalez to Waymo counsel, dated
10 April 16, 2017. Waymo counsel did not respond. On April 17, all available components of
11 Spider were transported to the offices of Morrison & Foerster. That day, Mr. Gonzalez again
12 offered the inspection of the components of Spider. Attached hereto as Exhibit 10 is a true and
13 correct copy of the email from Mr. Gonzalez to Waymo counsel, dated April 17, 2017. Waymo
14 counsel finally came to inspect the components of Spider on April 19. That same day,
15 Defendants produced to Waymo a hard copy production of the pictures taken at the inspection,
16 having Bates number UBER00011629 to UBER00011689.

17 3. Attached hereto as Exhibit 11 is a true and correct copy of Exhibit 1031 to the
18 deposition of Daniel Chu on April 3, 2017, produced by Waymo in connection with his
19 deposition. This document has Bates number WAYMO-UBER-00004175 to WAYMO-UBER-
20 00004194. Exhibit 11 is a report dated March 19, 2015, which [REDACTED]
21 [REDACTED] (WAYMO-UBER-00004183) and asks [REDACTED]
22 [REDACTED] (WAYMO-UBER-00004186).

23 4. Mr. Chu's deposition testimony on April 3, 2017, confirms that [REDACTED]
24 [REDACTED]
25 [REDACTED]
26 [REDACTED]

27 (Chu Dep. at 7:8-15; 8:19-23; 10:24-11:7; 11:23-12:7; 25:5-25; and 40:11-19.) Attached
28

1 hereto as Exhibit 12 is a true and correct copy of excerpts of the deposition transcript of Mr. Chu,
2 dated April 3, 2017.

3 5. Attached hereto as Exhibit 13 is a true and correct copy of excerpts of the
4 deposition of Gary Brown, dated March 24, 2017.

5 6. Attached hereto as Exhibit 14 is a true and correct copy of excerpts of the
6 deposition of Daniel Gruver, dated April 20, 2017.

7 7. Attached hereto as Exhibit 15 is a true and correct copy of excerpts of the
8 deposition of Gregory Kintz, dated April 26, 2017.

9 8. Attached hereto as Exhibit 16 is a true and correct of a TechCrunch article titled,
10 “A Waymo Filing Leaks LiDAR Tech Details in Uber Lawsuit,” dated April 26, 2017.

11 9. Attached hereto as Exhibit 17 is a true and correct copy of an IEEE Spectrum
12 article titled, “Waymo vs. Uber: 8 Things I Learned from Anthony Levandowski Taking the
13 Fifth,” dated April 26, 2017.

14
15 I declare under the penalty of perjury under the laws of the United States that the
16 foregoing is true and correct. Executed this 28th day of April, 2017, in San Francisco, California.

17
18 /s/ Esther Kim Chang

ESTHER KIM CHANG

19
20
21 **ATTESTATION OF E-FILED SIGNATURE**

22 I, Arturo J. González, am the ECF User whose ID and password are being used to file this
23 Declaration. In compliance with General Order 45, X.B., I hereby attest that Esther Kim Chang
24 has concurred in this filing.

25 Dated: April 28, 2017

/s/ Arturo J. González

Arturo J. González